IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SIXTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

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WRIT PETITION NO : 15279 of 2004

Between:

A. Mallikarjunappa, S/o. Ayyanna,
R/o. Virupapuram Village,

Adoni Mandal, Kurnool District. **..... PETITIONER**

AND

1.The Joint Collector,

Kurnool, Kurnool District.
2.The Revenue Divisional Officer,

Adoni, Kurnool District.
3.The Mandal Revenue Officer,

Adoni, Kurnool District. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the proceedings of the 2nd respondent in RCE 776/2004 dt. 24-7-2004 as illegal, void and ultravires the provisions of the A.P. State Public Distribution System Control Order, 2001 and consequently direct the respondents to restore the authorization of the Fair Price Shop Dealership of the petitioner situated at Virupapuram Village, Adoni Mandal, Kurnool District.

Counsel for the Petitioner: MR.J.JANAKI RAMI REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following :

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ORDER:

Heard learned Counsel for the petitioner and also learned Assistant Government Pleader for the respondents.

On suspension of the petitioner's authorization for certain irregularities, petitioner preferred an appeal before the first respondent on 5-8-2004 along with a petition seeking grant of stay of the order of the second respondent dated 24-7-2004. No orders are passed on the stay petition. Therefore, the present writ petition is filed questioning the suspension order dated 24-7-2004 and for restoration of the authorization in favour of the petitioner.

In view of the judgment of the Apex Court in ***Bombay Metropolitan Region Development Authority, Bombay vs. Gokak Patel Volkart Ltd. And others,*** it is well settled that a writ petition filed against the very same order during pendency of petitioner's appeal before statutory authority is not maintainable. At the most this Court can direct the authorities to dispose of the appeal or the stay petition as expeditiously as possible.

In view of the same, the first respondent is hereby directed to dispose of the stay application as well as the appeal at an early date preferably within a period of one month and three months respectively. Writ Petition is accordingly disposed of. No costs.

26-8-2004

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Copy to:

1.The Joint Collector,

Kurnool, Kurnool District.
2.The Revenue Divisional Officer,

Adoni, Kurnool District.
3.The Mandal Revenue Officer,

Adoni, Kurnool District.

4.Two CCs to the G.P. for Civil Supplies,

High Court Buildings, High Court of A.P.,

Hyderabad.

5.Two CD copies.